

REMARKS

Claims 1-8, 10-13 and 15-20 remain pending in the application, with Claims 9 and 14 being canceled without prejudice or disclaimer as incorporated into Claims 1 and 10 respectively. The dependency of Claim 8 is changed. These changes are believed not to introduce new matter, and entry of the Amendment is respectfully requested.

Based on the above Amendment and the following Remarks, Applicants respectfully request that the examiner reconsider all outstanding objections and rejections, and withdraw them.

PARAGRAPH 1 of the Office Action includes a rejection of Claims 18-20 under 35 U.S.C. § 112, ¶ 2 as being indefinite, asserting that the claims are “omnibus type.” Applicants respectfully traverse the rejection, noting that MPEP § 706.03(k) states that An example of an omnibus claim is: “A device substantially as shown and described.” However, none of Applicants’ claims are of this type. Claims 18-20 do not merely refer to anything that is “shown” (in the drawings) or “described” (in the specification), as the Office Action seems to imply in light of the MPEP. Rather, Claims 18-20 are system claims that are limited by the steps recited in Claims 10-12, respectively. Accordingly, Claims 10-12 point out what is “included and excluded” (quoting Office Action language) in rejected Claims 18-20. Accordingly, because Applicants’ Claims 18-20 are not of the omnibus type, they are not indefinite under 35 U.S.C. § 112, ¶ 2 and the rejection should be withdrawn.

PARAGRAPH 2 of the Office Action objects to Claim 1 as being informal, asserting that the word “present” should be --presence--. Applicants respectfully traverse the objection and affirm that the intended word is “present.” The word “present” means *current* as in “at the *present* time.” The word is used in a phrase, *present and future ability to communicate with the entity*, which describes the ability to communicate with the entity now (in the *present*) as well as in the future. Accordingly, Claim 1 is correct and no amendment is needed.

PARAGRAPH 2 of the Office Action goes on to assert that Claim 8 should be amended to depend from Claim 2 instead of Claim 6. Applicants amend Claim 8 to depend from Claim 1 while incorporating some of the text from Claim 6. Amended Claim 8 is believed to be formally correct.

PARAGRAPHS 3-5 of the Office Action include art rejections of all claims except Claims 9 and 14, which PARAGRAPH 6 indicates to recite allowable subject matter. Purely to expedite prosecution and not for reasons related to patentability, Applicants incorporate the subject matter of Claims 9 and 14 (now canceled) into independent Claims 1 and 10, respectively. Because all pending claims now recite subject matter indicated to be allowable, or depend from claims that recite subject matter indicated to be allowable, all pending claims should now be allowable.


A FORM PTO-1449 accompanies this Amendment, listing the Ochiai *et al.* reference that was applied in an art rejection but omitted from the examiner's PTO-892.¹

FORMAL DRAWINGS. The Office Action does not affirmatively indicate that the formal drawings are acceptable. However, the absence of any objection to the drawings is interpreted as an implicit indication that the formal drawings are acceptable.

All objections and rejections have been complied with, properly traversed, or rendered moot. Thus, it now appears that the application is in condition for allowance. Should any questions arise, the examiner is invited to call the undersigned representative so that this case may receive an early Notice of Allowance.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,

By: 

Date: April 13, 2006
For Customer No. 26,652
Telephone: 301.464.0431

Raymond C. Glenn
Registration No. 32,413

¹ The Form PTO-892 listed the Parsons *et al.* patent application, which had already been cited by Applicants.